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Marchetti's cloud-nine logic

Intelligence being a key factor in the security of any nation, it is logical for any government to ensure that its intelligence officers abide by their pledged word never — not even after quitting the job — to reveal information acquired while on the job.

✓ Former CIA officer, Victor Marchetti, 42, now a writer, disagrees; and a three-judge appeal panel is hearing the argument pleaded by the American Civil Liberties Union against a judge who enjoined Marchetti from revealing further secrets.

The significance of the case is that the original judge, finding that Marchetti had violated his secrecy pledge, also granted the U.S. government unprecedented prior restraint via a civil suit process on his writings on intelligence subjects. Much less proof is needed to show a breach of contract in civil court than the heavy burden of proof required in a criminal case, such as that of Daniel Ellsberg's over the Pentagon Papers.

Should the Marchetti case appeal fail, press contacts would be inhibited with officials who would become more vulnerable to government legal action.

Marchetti was a good intelligence officer. Recruited by the CIA out of

the classroom at Pennsylvania State University, he became an executive assistant at \$25,000 a year. He resigned three years ago to devote his time, in Ian Fleming style, to writing spy novels and also non-fiction intelligence topics.

Today Marchetti argues that he's justified in trying to open up the CIA to greater congressional and public scrutiny to force reform of its "clandestine-oriented" practices. ✓ He contends that the CIA is not qualified to judge what violates national security, which is a startling argument.

The ACLU pleads that the judge's restraining order violates the First Amendment guarantee of free speech and a free press and that the CIA cannot enforce the secrecy provisions of its employment contract.

A never-never land of unrealism opens up when anyone signing a work contract reserves to himself the right later to break it. In this instance, Marchetti used his \$25,000-a-year access to secrets to make money later by his spy novels. If intelligence officers are allowed to get away with that malarkey, the CIA will become not the guardian but the sieve of this nation's top secrets.